

An
Bord
Pleanála

Board Direction
BD-014514-23
ABP-312006-21

The submissions on this file were considered at a Board meeting held on 07/11/2023.

The Board decided to grant leave to apply for subsequent consent for the reasons and considerations as set out hereunder.

Reasons and Considerations

Having regard to Section 177D(1) of the Planning and Development Act, 2000 – 2023, the Board considers that either an EIA or an EIA determination is required, and an AA is required in respect of the development concerned and that exceptional circumstances exist such that the Board considers it appropriate to permit the opportunity for regularisation of the development by means of an application for substitute consent.

Having regard to Section 177D(2) of the Act, the Board considers these exceptional circumstances to be as follows:

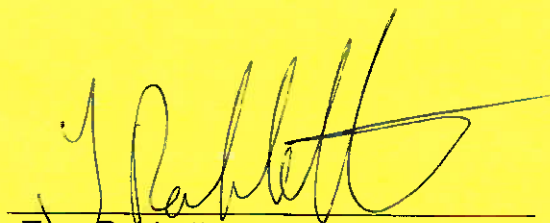
- (a) The regularisation of the development concerned would not circumvent the purpose and objectives of the Environmental Impact Assessment (EIA) Directive or the Habitats Directive.
- (b) The applicant had or could reasonably have had a belief that the development was not unauthorised.
- (c) The ability to carry out an assessment of the environmental impacts of the development for the purpose of an EIA or an AA and to provide for public participation in such an assessment has not been substantially impaired.

(d) The actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development would be capable of being assessed by the submission of a rEIAR and rNIS and the Board's subsequent EIA and AA.

(e) The extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated would be capable of being assessed by the submission of a rEIAR and rNIS and the Board's subsequent EIA and AA.

(f) The applicant has complied substantially with previous permissions and that, insofar as it has been responsible for unauthorised development, it is actively seeking to regularise such development.

Board Member



Tom Rabbette

Date: 09/11/2023